

THE CITY OF WARWICK
STATE OF RHODE ISLAND

APPENDIX A
ZONING

No..... Date.....

Approved.....Mayor

AN ORDINANCE AMENDING APPENDIX A, ZONING ORDINANCE OF THE CITY OF WARWICK TO DEFINE, ESTABLISH AND CLASSIFY DISTRICTS, CREATE ADMINISTRATIVE PROCEDURES FOR SHORT-TERM RENTAL USE OF RESIDENTIAL DWELLING UNITS, AND PROVIDE SUPPLEMENTARY REGULATIONS FOR THE SHORT-TERM RENTAL OF DWELLING UNITS. CITY OF WARWICK, PETITIONER

Be it ordained by the City of Warwick:

Section I. Appendix A, Zoning Section 200 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

Bedroom. A room defined as a bedroom in accordance with applicable building code regulations as determined by the Building Official.

Dwelling unit. A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and containing a separate means of ingress and egress.

Local representative. A person designated on a registration form filed under this chapter as the person authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises.

Short-term rental of dwelling unit. The lease or other contractual arrangement for the occupation of a dwelling unit for thirty-one (31) consecutive days or less; provided, however, that this term does not include an extension, including a month-to-month extension, granted without an intervening period of non-occupancy to tenant currently occupying the premises under a written lease for a term of more than thirty-one (31) days.

Section II. Appendix A, Zoning Section 300, Table 1 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

Zoning Districts	OS	A-40	A-15	A-10	A-7	O	WB	GB	LI	GI	Inter-modal	Gateway	Village District
<u>110. Short-term rental of dwelling unit</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>

Section III. Appendix A, Zoning Section 500 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

510. – Regulation of short- term rental of dwelling units.

It is the intent of this subsection to protect the public health, safety and welfare of the City by regulating short term rental of dwelling units in the City.

Short-term rental of dwelling units in Warwick shall be regulated to minimize the potential for noise, congestion, pollution, and disorderly behavior involving tenants and other persons on and near the premises, as well as violations of City Ordinances, including the Zoning and Noise Ordinances and violations of various Rhode Island General Laws.

The City of Warwick finds that, by application of the regulatory framework contained herein, the short-term rental of dwelling units can have a positive effect on the health, safety and welfare of the community by providing a flexible housing stock that allows travelers safe accommodations while contributing to the local economy, including historic preservation.

510.1. Applicability. The provisions of this subsection shall apply to all residential property within the City of Warwick except hotels, motels, and community residences. Short term rentals with a valid registration shall not be considered a hotel or motel as defined by this ordinance.

510.2. Prohibitions. The following dwelling units are not eligible to be offered for short-term rental:

(A) Accessory family dwelling units.

(B) Accessory structures.

(C) Dwelling units that have been designated as “affordable” or are otherwise below market rate, such as those units that are subject to housing or rental assistance

1 and/or deed restrictions.

2
3 (D) Dwelling units subject to any requirement of local, state, or federal law that
4 prohibits the leasing or subleasing of the unit or use of the unit as a short-term
5 rental.

6
7 (E) Dwelling units that are subject to two (2) or more violations of any municipal
8 Ordinance or state law or regulation in a twelve-month period related to excessive
9 noise, improper disposal of trash, disorderly conduct, parking, or any other
10 nuisance behavior.

11
12 (F) Dwelling units that are subject to any outstanding building, sanitary, fire, zoning,
13 or property maintenance code violations.

14
15 (G) Dwelling units on properties where weddings or other special events are occurring.

16
17 510.3. Short-term rental of dwelling units. Short-term rental of dwelling units shall be
18 permitted by right in certain zoning districts as presented in Table 1, provided that any
19 dwelling unit utilized for short-term rental must satisfy the following performance
20 standards:

21
22 (A) Must comply with the City's Short-Term Rental Registration.

23
24 (B) The Property owner must submit an affidavit to the Zoning Enforcement Officer
25 indicating that dwelling unit is to be utilized as a short-term rental.

26
27 510.4. Registration and inspection required; permit.

28
29 (A) The owner or local representative shall obtain a short-term rental permit in
30 accordance with Section 510.6 and 510.7.

31
32 (B) If a dwelling unit is offered on an online hosting platform for tourist or transient
33 use, it shall be registered by the record property owner or local representative
34 thereof with the Rhode Island Department of Business Regulation before any tenant
35 occupies the premises.

36
37 (C) After applying for the short-term rental permit, the dwelling unit shall be subject to
38 annual inspection by the Building Official or his/her designee and the Fire Marshal.
39 The purpose of the inspection is to determine the occupancy limit of the unit
40 pursuant to subsection 510.8, to determine if smoke and CO2 detectors are installed
41 in compliance with the State Fire Code, as amended, for dwelling units and to
42 determine the number of off-street and on-street parking spaces available. The
43 Building Official or his/her designee shall issue a short-term rental permit stating
44 the maximum occupancy for the dwelling unit.

1 510.5. Short-term rental permit registration form. The short-term rental permit
2 registration form shall indicate the Tax Assessor's plat and lot number, address of the
3 short-term rental dwelling unit, the number of short-term rental dwelling units therein, the
4 name, permanent mailing address and telephone number of the record owner and any
5 local representative, and the usual period of occupancy by tenants (monthly, weekly or
6 other). Copies of the permit registration form, with 24/7 contact information, will be held
7 on file by the Warwick Police and Fire Departments.
8

9 510.6. Filing date; term. On or before December 31 of each year, the record owner of the
10 rental dwelling unit shall file the completed short-term rental permit registration form with
11 the Building Official or his/her designee, which shall be valid for a one-year period from
12 January 1 to December 31 of the following year. If the property is registered during the
13 calendar year, the permit shall be valid until December 31 of that same year.
14

15 510.7. Permit registration fee. There shall be a permit registration fee of \$250 per year for
16 each dwelling unit covered under the provisions of this subsection.
17

18 510.8. Occupancy limits and parking requirements.
19

20 (A) The maximum occupancy for the dwelling unit shall be two (2) persons per
21 bedroom. The number of bedrooms for occupancy purposes shall not exceed the
22 number of bedrooms supported by the design load of the property's septic system
23 (on-site wastewater treatment system, or "OWTS"). The owner shall provide
24 records and/or information that the Building Official or his/her designee deems
25 reasonably sufficient to determine the number of bedrooms for which the OWTS is
26 rated. The maximum occupancy may be further limited by the parking requirements
27 of subsection 510.8(B).
28

29 (B) If determined necessary by the Building Official, additional parking shall be
30 provided in accordance with the instructions of the Building Department.
31

32 510.9. Owner's obligations.
33

34 (A) All short-term rental agreements shall have as an attachment a copy of the
35 applicable short-term rental permit for the premises. The rental agreement shall
36 state that the renter may be held legally responsible for any violations of law
37 committed by the renter or by other occupants or guests while at the premises,
38 including violations of the laws and ordinances pertaining to noise, disorderly
39 conduct, disturbance of the peace, keeping dogs on a leash, parking, trash
40 maintenance and disposal, and dwelling occupancy limits.
41

42 (B) The owner or local representative shall obtain accurate and up-to-date information,
43 including the names, home addresses and phone numbers of the renters, the date of
44 the rental period and the model, year, color and vehicle registration of all motor
45 vehicles registered to or used by such renters. The owner shall maintain this
46 information throughout the term of the short-term rental agreement and for one

1 hundred eighty (180) days thereafter; and shall make this information available to
2 City officials who are lawfully investigating or prosecuting any offense reasonably
3 believed to involve one or more of the renters. Failure of the record owner to
4 maintain or provide this required information shall constitute a violation of this
5 subsection.

6
7 510.10. Posting of notice. The record owner or local representative shall post in plain view,
8 in a conspicuous place within the rental dwelling unit, a notice to be drafted by the Planning
9 Department and available at the office of the Building Official, containing general
10 information regarding certain City Ordinances with which tenants must comply. The record
11 owner or any person in control or possession of said rental dwelling unit subject to the
12 provisions of this subsection shall cause the registration form and permit required by this
13 subsection to be posted or affixed to the inside of the primary access door to said dwelling
14 unit so as to allow the lease and registration form to be readily available for inspection by
15 police, zoning, building, or property maintenance officials of the City of Warwick.
16 Additionally, the record owner, local representative or any person in control or possession
17 of said rental dwelling unit must post a copy of the short-term rental permit on the exterior
18 of the dwelling unit, which shall contain the twenty-four hour emergency contact
19 information for the owner and the maximum occupancy for the dwelling unit, as
20 determined by the Building Official.

21
22 510.11. Enforcement; penalty for violation; revocation of permit.

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24 (A) Violations of this subsection shall be enforceable through issuance of a summons
25 by any Zoning Enforcement Official of the City. Violations and citations shall be
26 heard and adjudicated by the Warwick Municipal Court.

27
28 (B) Any violation of the provisions of this subsection shall be subject to a fine of not
29 more than five hundred dollars (\$500) per day for each and any subsequent
30 violation. Fines may be imposed for each day the violation continues.

31
32 (C) The Zoning Enforcement Official may revoke a short-term rental permit issued
33 under this subsection if it is determined, by a violator's admission or a Municipal
34 Court finding of a violation, that two (2) or more violations of this subsection have
35 occurred for the same property, and no new permit shall be issued to the property
36 owner for the same property for a period of twelve months following the revocation.
37 Any revocation of a short-term rental permit may be appealed to the Zoning Board
38 of Review as an administrative appeal pursuant to the provisions of Sec. 906.4 of
39 the Warwick Zoning Ordinance.

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42 Section IV. This Ordinance shall take effect immediately upon passage and publication as
43 prescribed by law.

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46 SPONSORED BY: COUNCILMAN LADOUCEUR

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COUNCILWOMAN TRAVIS

COMMITTEE: LAND USE